THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7598 of 2006

Dated:18.04.2006

Between:

B.Dayakar.

..... PETITIONER

AND

Government of Andhra Pradesh, rep.by its Principal Secretary, Revenue(UC-II) Department, Secretariat, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.7598 of 2006

ORDER:

The petitioner purchased a plot admeasuring 151 square metres bearing premises No.6-6-269/150-151 (hereinafter called 'the petition schedule land') from Arun Jyothi Harijan and Weaker Section Cooperative Housing Society Limited, Secunderabad. The said land is comprised in Survey No.75 (T.S.No.7, Ward No.77, Block-A). It appears the land is declared as surplus vacant land under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (for short 'the Act'). After the Government introduced the scheme for regularization of occupation of urban vacant land in their orders in G.O.Ms.No.455, dated 29.07.2002, the petitioner made an application seeking regularization. The petitioner produced Electricity Board bill, dated 31.05.1989, in evidence of possession to plot Nos.150 and 151. After considering the same, the second respondent sent proposals to the first respondent for allotment of the land under Section 23(4) of the Act. Taking the same into consideration, the first respondent issued orders in G.O.Ms.No.382, dated 10.05.2004, allotting the petition schedule land to the petitioner. Respondent Nos.5 and 6 filed an application before the second respondent in terms of G.O.Ms.No.455 for regularization of surplus land in Plot Nos.150 and 151 to an extent of 146.12 square metres. During the enquiry, the Special Officer found that the petitioner produced false document. Therefore, he sent a report on 26.07.2005 and requested to cancel the allotment made in G.O.Ms.No.382, dated 10.05.2004. After considering the same, the first respondent issued G.O.Ms.No.257, dated 28.02.2006, cancelling the allotment of plot Nos.150 and 151 in Arun Jyothi Colony to an extent of 146.12 square metres in favour of the petitioner. This is assailed in the Writ Petition.

The learned Counsel for the petitioner submits that the orders of the Government in G.O.Ms.No.382 under which the petitioner was allotted the land is not cancelled. Secondly, he submits that it is not competent for the Government to cancel the allotment on the ground that the bills produced by the petitioner are not genuine. According to the learned Counsel, such evidence cannot be taken into consideration. Thirdly, he submits that the Government passed an *ex parte* order, which requires interference by this Court.

This Court has perused the two impugned orders and the affidavit filed in support of the Writ Petition. There is no denial that when the petitioner made an application he enclosed the Electricity Board bill, dated 31.05.1989, to show that he was in possession of plot Nos.150 and 151 bearing premises No.6-6-269. Based on such document, the Special Officer initially sent the report. However, respondent Nos.5 and 6 filed an application for regularization. When the enquiry was conducted, it was found that the petitioner produced false document, which was the basis for the second respondent making a recommendation to the first respondent. This only shows that the petitioner produced a false document and played fraud in obtaining order of allotment vide G.O.Ms.No.382. When a person obtains any order fraudulently, no public authority can allow such person to retain the benefit. Fraud unravels everything. Secondly, the submission that G.O.Ms.No.382 was not cancelled is misconceived. A perusal of the impugned order would show that the same stood cancelled and the land is now allotted to respondent Nos.5 and 6. The submission that the electricity bills cannot be taken into consideration is without any basis. When allotment was made by G.O.Ms.No.382, dated 10.05.2004, the

electricity bill produced by the petitioner was taken into consideration, and therefore, if it is found to be false document, the same can be the basis for cancellation of the allotment.

The Writ Petition is devoid of any merit, and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

18.04.2006

vs